



# BOARD OF SELECTMEN

TOWN HALL  
365 BOSTON ROAD  
BILLERICA, MASSACHUSETTS 01821  
978-671-0939  
FAX: 978-671-0947

Kimberly J. Conway, *Chairman*  
Andrew N. Deslaurier, *Vice Chairman*  
Edward J. Giroux, *Secretary*  
George J. Simolaris, Jr., *Member*  
Michael S. Rosa, *Member*

## MEETING MINUTES JANUARY 28, 2019

A regular meeting of the Board of Selectmen was held on Monday, January 28, 2019 in the Conway Hearing Room. Present were Selectman Kimberly Conway, Chairman, Selectman Andrew Deslaurier, Vice Chairman, Selectman Edward Giroux, Secretary, Selectman George Simolaris, Member, Selectman Michael Rosa, Member, Town Manager John Curran, and Assistant Town Manager Cathleen O'Dea

### CALL TO ORDER

Chairman Conway asked for a moment of silence for Rome Capobianco who died in a house fire.

Mr. Curran stated that due to the fact that it was not posted in the prescribed time frame, the Executive Session Minutes of January 7, 2019 would not be addressed this evening but moved to the next agenda

### Open Microphone

No one was present for Open Microphone.

### ANNOUNCEMENTS

Selectman Giroux stated there were five vacancies on the Scholarship Foundation Committee and one vacancy on the Traffic Management Committee. All other announcements may be viewed on the Town of Billerica Website, Selectmen's Page.

*America's Yankee Doodle Town*

**MEETING MINUTES**  
**JANUARY 28, 2019**

-2

**PRESENTATIONS**

**Peace Garden/Contribution Park Approval of Mass Highway Island Adoption**

Selectman Rosa made the presentation on the Peace Garden. He introduced Debbie Rowland, Jesse's Mom, who originally went before the Cabot Land Use Committee relative to the possibility of having the Peace Garden in Jesse's memory located there. Because of the rough terrain and inaccessibility, it was not a viable option. Selectman Rosa then suggested Contribution Park on Boston Road. Selectman Rosa thought at that time the Town owned it. He discovered that area is owned by the State. This would need to be done through an Adopt-An-Island through the State.

Debbie and Jacqueline Rowland came to the podium and addressed the Board and shared Jesse's story. They would like the Board's approval to make this area a Peace Garden which would be dedicated to all victims of the Opioid Epidemic.

Discussion ensued from the Board. All Board members expressed their support for this project. The Board also stressed that the Town has an outstanding Substance Abuse Prevention Coordinator for anyone who is in need of help.

Mr. Curran suggested that Ms. Rowland look at Angel of Hope Park in Woburn.

The Board thanked Ms. Rowland for telling her story. Chairman Conway thanked Selectman Rosa for bringing this forward.

Selectman Rosa, seconded by Selectman Giroux, made a motion that the Board of Selectmen support the application for the Adopt-An-Island program for the property called Contribution Park to become a Peace Garden.

It was voted:

5 – In Favor

0 – Opposed

**MEETING MINUTES**

**JANUARY 28, 2019**

-3

**Town Clerk Shirley Schult – Election Update**

Town Clerk Shirley Schult came to the podium and updated the Board on the Town Election to be held on April 6, 2019.

Mrs. Schult reviewed the open offices that will be on the ballot. She also informed the Board that there were many vacancies for Town Meeting representatives. Mrs. Schult stated that nomination papers need to be returned to her office by 5:00 p.m. February 19, 2019.

Mrs. Schult also stated that the Census forms have gone out and they are coming in very slowly. She cautioned residents not to change their precinct or party affiliations on the Census Form.

Mrs. Schult stated that the deadline to register to vote in the Town Election was Friday, March 15, 2019. The Registrar's Office will remain open until 8:00 p.m. on that date.

Mrs. Schult stated that if residents had any questions, to please call the Town Clerk's office a 978-671-0924.

Selectman Simolaris clarified that no experience was necessary to be a Town Meeting Member. Selectman Simolaris thanked Mrs. Schult for informing residents about the election.

**MINUTES**

**December 17, 2018 (Regular Session)**

Selectman Giroux, seconded by Selectman Rosa made a motion to approve the minutes of December 17, 2018.

It was voted:

5 – In Favor

0 – Opposed

**December 17, 2018 (Executive Session)**

Selectman Rosa stated his concerns over the format over the December 17, 2018 Executive Session Minutes. He stated he would at least like to see who was present at the meeting indicated.

**MEETING MINUTES**  
**JANUARY 28, 2019**

-4

Chairman Conway stated that an Executive Session could be scheduled for the next meeting and the minutes could be reviewed at that time.

She also explained for those present why the January 7<sup>th</sup> Executive Session Minutes could not be addressed at this evening's meeting.

**PUBLIC HEARINGS**

**7: 10 p.m. Winthrop Street-National Grid is to install (2) 3" conduits from existing JO Pole 4 to Proposed Hand Hole in grass area side of road to service new home at 14 Winthrop Street – Plan # 27320178**

Selectman Giroux, seconded by Selectman Rosa made a motion to open the Public Hearing.

It was voted:

5 – In Favor

0 – Opposed

The representative from National Grid came to the podium for this item and explained the installation.

Selectman Rosa asked if there were any abutter concerns.

The representative stated he had come 45 minutes early and there were no questions.

Valerie Gould, 7 Winthrop Street came to the podium and asked why National Grid need permission from the Board to do this.

Mr. Curran stated that it was a Street Opening in a public right of way, and it required permission from the Town.

Mrs. Gould asked if Winthrop Street was an accepted street.

Selectman Giroux, seconded by Selectman Rosa made a motion to close the Public Hearing.

It was voted:

5 – In Favor

0 – Opposed

**MEETING MINUTES**  
**JANUARY 28, 2019**

-5

Selectman Giroux, seconded by Selectman Rosa made a motion to approve National Grid to install (2) 3" conduits from existing JO Pole 4 to Proposed Hand Hole in grass area side of road to service new home at 14 Winthrop Street consistent with the comments submitted by the Department of Public Works – Plan # 27320178.

It was voted:

5 – In Favor

0 – Opposed

**7:15 p.m. Lexington Road-National Grid is to install new manholes, conduit and Electric conductor at the intersection of Middlesex Turnpike and along Lexington Road in public ROW – Plan #26276402 (Continued from January 7, 2019)**

Mr. Nahum Forgette, Contractor for National Grid came forward for this item.

Selectman Simolaris clarified why this was being done.

Selectman Rosa asked if there were any concerns or questions from Abutters.

Mr. Forgette stated there were none.

Selectman Giroux asked about the pole Mr. Forgette referenced in his presentation. It was not part of the petition before the Board.

The Board decided National Grid would have to come back in another public hearing for the pole. Everything else could be approved tonight.

Selectman Giroux, seconded by Selectman Rosa, made a motion to close the public hearing.

It was voted:

5 – In Favor

0 – Opposed

**MEETING MINUTES**  
**JANUARY 28, 2019**

-6

Selectman Giroux, seconded by Selectman Rosa made a motion to approve National Grid to install new manholes, conduit and Electric conductor at the intersection of Middlesex Turnpike and along Lexington Road in public ROW – Plan #26276402 less the new pole.

It was voted: 5 – In Favor  
0 – Opposed

**7:20 p.m. First Light/Joyce Consulting Group-Fiber Optic Installation – Cook Street to Aldrich Road-underground installation of approx. 500 ft of two new 4” PVC fiber optic conduits from an existing utility on the south side of Cook ST Near 157 Cook ST to the Wilmington Town line (where Cook ST becomes Aldrich Road) and shall serve to support FirstLight’s telecommunication service network In the metro Boston area.**

Selectman Giroux, seconded by Selectman Rosa, made a motion to open the Public Hearing.

It was voted: 5 – In Favor  
0 – Opposed

Mr. Michael Joyce from Joyce Consulting Group on behalf of First Light came to the podium for this item.

Mr. Curran stated that portion of Cook Street had just been paved. He wanted to know if it would be in that area.

Mr. Joyce stated it was not in the paved area but in the shoulder.

Mr. Curran stated that the Town had to go before Conservation in order to do the paving. He asked Mr. Joyce if he had been before the Conservation Commission.

Mr. Joyce stated he had not.

Selectman Rosa stated he wanted to inform Mr. Joyce that he would need to contact Dig Safe relative to water main lines, etc.

**MEETING MINUTES**  
**JANUARY 28, 2019**

-7

Chairman Conway asked if anyone from the public wished to speak.

There was a resident present, but he had already spoken to Mr. Joyce and was satisfied with the explanation.

Chairman Conway stated this would be tabled until the petitioner appeared before Conservation.

Mr. Joyce stated he would reach out to the Commission.

**7:25 p.m. Sterling Road, LLC, 3 Survey Circle N. Billerica, MA request for License to Store 5,000 gallons of Liquid Propane Gas. Located at 14 Sterling Road, Billerica.**

Selectman Giroux, seconded by Selectman Rosa, made a motion to open the Public Hearing.

It was voted:

5 – in Favor

0 – Opposed

Deputy Fire Chief Tom Ferraro came to the podium for this item. Deputy Ferraro stated the Fire Department had no objections to this. He also introduced Jessica French and Stan to answer any questions the Board may have.

Chairman Conway asked if anyone from the Public wished to speak.

Two residents of 216 Rangeway Road housing development came to the podium with their concerns; i.e., where the tanks be located and the light glaring into the units at night.

Ms. French stated that the tanks would be as far from the road as possible. The tanks for the shop would be in the back of the shop to the right.

As for the lights, Ms. French stated they will install per the guidelines of the Town. Ms. French answered other questions the residents had, i.e., retention pond, parking, etc.

Selectman Simolaris encouraged the company to be cognizant of resident's concerns as the project moves forward.

**MEETING MINUTES**  
**JANUARY 28, 2019**

-8

Selectman Giroux, seconded by Selectman Simolaris, made a motion to close the Public Hearing.

It was voted: 5 – In Favor  
0 – Opposed

Selectman Giroux, seconded by Selectman Rosa made a motion that the Board approve Sterling Road, LLC, 3 Survey Circle N. Billerica, MA request for License to Store 5,000 gallons of Liquid Propane Gas located at 14 Sterling Road with the following conditions. The facility must comply with the MGL Chapter 148 and the 527 CMR State Fire Code.

It was voted: 5 – In Favor  
0 - Opposed

**OLD BUSINESS**

**Approve and Adopt the Order of Taking for Street Acceptance Roads Authorized At 2018 Fall Town Meeting.**

Town Engineer Kelley Conway came to the podium and asked the Board to approve and adopt the order of taking for street acceptance roads that were approved at the Fall 2018 Town Meeting. Ms. Conway reviewed the entire process involved for those present.

Selectman Rosa asked how many eminent domain takings there were.

Ms. Conway explained that at the recommendation of Town Counsel all are eminent domain. She also stated that during the process the residents in question had no issues.

Chairman Conway stated that the Street Acceptance Committee meeting the residents wanted to know how to speed this process up. None of the residents spoke against it.

Selectman Simolaris asked what the cost of the eminent domain was.

Ms. Conway stated the cost was 0.



**MEETING MINUTES**

**JANUARY 28, 2019**

-9

Selectman Simolaris asked Ms. Conway what amount of the road will be taken.

Ms. Conway explained it. She said essentially it would be the right of way.

The Board thanked Ms. Conway for continuing this process.

Selectman Giroux, seconded by Selectman Rosa, made a motion that pursuant to the authorization voted on October 11, 2018, under Article 40 of the October 2, 2018 Annual Fall Town Meeting, I move that the Board approve and adopt an order of taking in the form presented to acquire permanent easements for public way purposes within the layouts of seventeen ways as set forth therein and to award \$0 in damages for said taking.

It was voted:

5 – In Favor

0 - Opposed

**Town Manager's Report**

**-Fiscal Efficiency**

**-Professional Recognition**

Mr. Curran reviewed for the Board items on his Town Manager's Report ; i.e., Permit Alley, Fire Hydrants, Old Ditson School FIOA Request, Public Nuisance Baby and Me; 744 Boston Road, Recreational Marijuana, CPC update, Vaping Regulations, Town Practice of plowing, sanding and salting, Annual Community Service Award (Formerly Senior of the Year), Budget Meetings.

Selectman Deslaurier stated that In regards to "Baby and Me" and other such properties that he is glad that a process has been developed. He further commented on the Marijuana facilities. Selectman Deslaurier stated he was glad to see Vaping regulations completed. He stated he is very pleased with Permit Alley and the progress that has been made thus far.

Selectman Rosa also stated he is very pleased with the centralization of Permit Alley. He stated it is very important for residents to maintain the areas around fire hydrants that are in front of their home after a snowstorm. He referenced the by-law relative to fire hydrants. In regards to the Old Ditson School, Selectman Rosa stated that the Board has already been very clear that they did not want the school to be used for housing. Relative to "Baby and Me", it is important

**MEETING MINUTES**

**JANUARY 28, 2019**

**-10**

to be mindful of resident's rights. Selectman Rosa encouraged people to submit the name of a deserving senior who has gone above and beyond for the Town.

Selectman Giroux stated it is important to have the permitting departments all in one area. If people have questions everyone concerned is in the same area.

Selectman Giroux asked about a mechanism for Seniors who have fire hydrants in front of their homes, but are unable to maintain them after a storm; and if there was a way to identify them.

Mr. Curran stated they could always call it in.

Fire Chief Cole stated the department's database is based on addresses. He further explained the process of identifying where fire hydrants are located. Chief Cole says the fire department frequently received calls from residents who cannot maintain the area around the hydrants, and they are followed up.

Selectman Giroux thanked Chief Cole. He also expressed appreciation to Mr. Curran getting the information on the Old Ditson School.

Selectman Simolaris commented on the plowing and fire hydrants, and freezing temperatures relative to the last storm. He asked about the fire hydrant procedure from the Fire Department's point of view. He also asked about a mechanism for thawing fire hydrants.

Chief Cole addressed Selectman Simolaris's question and the specific issues from the last storm. Chief Cole stated that the fire hydrants in town are dry barrel hydrants and provided information on their maintenance. Chief Cole also stated that frozen hydrants were not an issue at the fire on Andover Road that weekend. He stated the firefighters had about 1200 feet of hose on the street and were also using two fire hydrants.

Selectman Simolaris asked for clarification on the Freedom of Information Act on the Old Ditson School re-use.

Mr. Curran explained that that the plans in question were never released because there were no definite plans. They were waiting for the fire study to be released. His concern was that because of FOIA people may think that the town was moving forward with these plans.

**MEETING MINUTES**  
**JANUARY 28, 2019**

-11

Selectman Simolaris asked about the process for plowing contractors.

Mr. Curran explained the process.

Selectman Simolaris that perhaps the plow contractors could highlight fire hydrants that have not been cleared as they do their routes.

Chairman Conway commented on Permit Alley. She said it is a big step in the right direction streamlining the permitting process for residents.

Chairman Conway asked parents to encourage their children to go clean around a fire hydrant if there is one by their home after a storm.

Chairman Conway thanked Billerica Firefighters for their good work at the fire during such extreme cold.

Chairman Conway asked Mr. Curran to address the FOIA for the proposed plans for the Old Ditson. It is just an idea and the Town certainly will not be going against what the Ditson Reuse wanted.

Chairman Conway cautioned members of the CPC about contacting Town Counsel. She recommended asking Mr. Curran first.

Chairman Conway also stated she is very pleased with the new vaping regulations. She feels everything must be done to keep vaping products away from minors.

**NEW BUSINESS**

**Board of Selectman Appointments**  
**-Traffic Management Committee**

Selectman Rosa questioned why this item was under new business instead of old business. He stated that two candidates were interviewed last meeting.

**MEETING MINUTES**

**JANUARY 28, 2019**

-12

Chairman Conway stated that after research and discussion it was determined that the applicant should be from the pertinent part of town.

Selectman Rosa expressed concern that another applicant was being interviewed after the process had been completed.

Selectman Simolaris commented on the traffic issues and dangers on Salem Road.

Chairman Conway stated that this opening was not advertised. The opening had been there for quite some time. She stated she did not realize at the time that the applicant needed to be from East Billerica. A candidate from that area came forward. There was no cutoff date. Chairman Conway further stated that each candidate's name would be put forth for a vote of the Board

Eric Gerarde came to the podium and outlined for those present his background and qualifications.

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board appoint Diane Dorrington to the Traffic Management Committee.

Selectman Simolaris asked about voting all candidates if there was a candidate specifically from East Billerica.

Chairman Conway responded that the way it is written these positions are from these sections of Town. Selectman Giroux had mentioned it might be wiser to change it to "from these voting districts" because there is a gray area there.

It was voted:

2 – In Favor

3 – Opposed

**MEETING MINUTES**

**JANUARY 28, 2019**

**-13**

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board appoint David Gagliardi to the Traffic Management Committee.

It was voted: 0 – in Favor  
5 – Opposed

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board appoint Eric Gerarde to the Traffic Management Committee.

It was voted: 4 – In Favor  
1 – Opposed

**Nikanth Store, dba Beer Wine and More 816 Boston road, Re: Change of dba to Richdale Beer Wine and More**

Chairman Conway recused herself this item. The discussion was led by Vice Chairman Deslaurier.

A representative from the Nikanth Store came to the podium for this item and stated they were looking for this change to conform to their signage.

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board approve the name change for the Nikanth Store, d/b/a Beer Wine and More, 816 Boston Road, to Richdale Beer Wine and More at 816 Boston Road.

It was voted: 4 – In Favor  
0 – Opposed  
1 – Abstention (Chairman Conway)

**MEETING MINUTES**  
**JANUARY 28, 2019**

-14

**NEPC, Re: Permission to hold the 26<sup>th</sup> Annual "Cool Kids 5K Road Race/Fun Walk On April 28, 2019 and permission to place 4 lawn signs on the Common from April 8<sup>th</sup> –April 29, 2019**

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board grant permission for the New England Pediatric Care to hold its 26<sup>th</sup> Annual "Cool Kids 5K Road Race/Fun Walk on April 28, 2019.

It was voted: 5 – In Favor  
0 – Opposed

Selectman Giroux, seconded by Selectman Rosa, made a motion to grant permission to the New England Pediatric Care to place four (4) lawn signs on the Common from April 8 to April 29, 2019.

It was voted: 5 – In Favor  
0 – Opposed

**Kent Fund Scholarship-Selectmen's Award 2019**

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board approve eight (8) \$1,000 Scholarships to the Class of 2019.

It was voted: 5 – In Favor  
0 – Opposed

**Interim Loan/Bond Issuance Vote**

Treasurer/Collector John Clark came to the podium and stated With regard to the Massachusetts Clean Water Trust, Loan Numbers CW17-15 & CW17-15-A, I ask that the Town of Billerica Board of Selectmen vote to approve the details of notes and bonds to be issued through the Trust and sign related note closing documents for the following Municipal purposes:

	<b><u>Authorized/ Article</u></b>	<b><u>Interim Loan Amount</u></b>
Contract 36, CW17-15	05/04/2017	<b>\$12,842,093</b>
Construction Contract	Article 23	
Contract 36, CW17-15-A		<b>\$275,000</b>
Construction Services		
Total		<b><u>\$13,117,093</u></b>

Chairman Conway asked if there were any questions for Mr. Clark

Selectman Giroux, seconded by Selectman Rosa made a motion

I, the Clerk of the Board of Selectmen of the Town of Billerica, Massachusetts, certify that at a meeting of the board held January 28, 2019, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody:

- VOTED:
- (1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$14,000,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a votes of the Town passed May 4, 2017 (Article 23), for the construction of sewers and other water pollution control facilities identified in such votes (the "Projects");
  - (2) that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$14,000,000;

**MEETING MINUTES**  
**JANUARY 28, 2019**

**-16**

- (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the "Trust") at a price determined pursuant to the Financing Agreement;
- (4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute Financing Agreements with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
- (5) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and
- (6) that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreements and the Project Regulatory Agreements relating to the Projects.

I further certify that the vote was adopted at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date, time and agenda of the meeting (which agenda included the adoption of the above vote) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decisions in connection with the sale of the Bonds or Notes were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L c.30A, §§18-25, as amended. I further certify that the vote has not been amended, supplemented or revoked and remains in effect on this date.

It was voted:

5 – in Favor  
0 - Opposed



**MEETING MINUTES**  
**JANUARY 28, 2019**

-17

**Town's Right of First Refusal for Affordable Property located at 10 Cunningham Lane, Unit 105**

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Town give up its right of first refusal for affordable property located at 10 Cunningham Lane, Unit 105.

It was voted: 5 – In Favor  
0 – Opposed

Selectman Giroux stated that the Affordable Housing Trust will be meeting tomorrow to work out logistics on how to transfer money from the Trust to the Housing Authority to purchase properties.

Chairman Conway suggested that Selectmen Giroux and Rosa report back to the Board at a future meeting.

**ADJOURNMENT**

Selectman Giroux, seconded by Selectman Rosa, made a motion to adjourn.

It was voted: 5 – In Favor  
0 - Opposed

Chairman Conway adjourned the meeting at 9:08 p.m.

**MEETING SCHEDULE**  
**February 4 and 25, 2019**

**A TRUE COPY ATTEST**

  
**Sue Aker, Recording Secretary**